

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALFRED PACE,  
Plaintiff,

v.

LUTAN, et al.,  
Defendants.

Case No. 13-cv-02761-JST (PR)

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

On June 14, 2013, Plaintiff, a California prisoner then incarcerated at San Quentin State Prison and proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983. Thereafter, by letter dated September 20, 2013, Plaintiff informed the Court that he had been released from prison and is residing in Santa Rosa, California. Therefore, he is no longer a "prisoner" within the meaning of 28 U.S.C. § 1915. See Page v. Torrey, 201 F.3d 1136, 1139 (9th Cir. 2000) (to fall within the definition of "prisoner," the individual in question must be currently detained as a result of accusation, conviction, or sentence for a criminal offense).

Because Plaintiff is not a "prisoner," the provisions of section 1915 requiring prisoners who seek to proceed in forma pauperis (IFP) to submit a copy of transactions in their inmate account and providing that the full filing fee be paid in installments do not apply to him. However, even non-prisoners are required by section 1915(a)(1) to provide an affidavit with sufficient information to allow the Court to make an accurate determination whether they are indigent and thus entitled to proceed IFP.

Consequently, by order dated November 4, 2013, the Court informed Plaintiff that, because he has been released from custody, he now must apply to proceed IFP under the general provisions of 28 U.S.C. § 1915(a)(1) or he must pay the \$400.00 filing fee. The Court ordered

1 Plaintiff to pay the fee or submit a completed non-prisoner IFP application no later than fourteen  
2 days from the date of the order. The Court informed Plaintiff that if he failed to comply with the  
3 order, the case would be dismissed without prejudice. The Clerk of the Court sent Plaintiff a  
4 blank non-prisoner IFP application with the order.

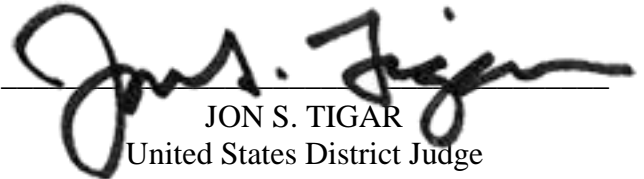
5 More than fourteen days have passed since the Court's order issued, and Plaintiff has not  
6 complied with the order or otherwise communicated with the Court.

7 Accordingly, this case is hereby DISMISSED without prejudice.

8 The Clerk shall enter judgment, terminate all pending motions, and close the file.

9 **IT IS SO ORDERED.**

10 Dated: December 8, 2013

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12 JON S. TIGAR  
13 United States District Judge  
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